

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD NEWMAN,

Case No. 19-11751

Plaintiff,

Stephanie Dawkins Davis

v.

United States District Judge

G. HISSONG, *et al.*,

Patricia T. Morris

United States Magistrate Judge

Defendants.

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**OPINION AND ORDER ACCEPTING AND ADOPTING REPORT
AND RECOMMENDATION (ECF No. 22) AND GRANTING
THE MOTION FOR PARTIAL SUMMARY JUDGMENT (ECF No. 17)**

This matter is before the Court on a motion for partial summary judgment filed by defendants. This Court referred the matter to Magistrate Judge Patricia T. Morris, who issued a Report and Recommendation on August 12, 2020, recommending that the Court grant the motion for partial summary judgment, dismissing the claims against defendant Hissong, dismissing Count II in its entirety, and dismissing any official capacity claims against Hissong and the Michigan Department of Corrections (MDOC), leaving in place only plaintiffs' claims under the Americans With Disabilities Act, 42 U.S.C. § 12101, *et seq.*, and the Rehabilitation Act, 29 U.S.C. § 701, *et seq.*, against the MDOC. (ECF No. 22, PageID.128).

Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the 14-day time period for filing objections has expired. *See* 28 Fed.R.Civ.P. 72(b)(2); E.D. Mich. L.R. 72.1(d). "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, No. 09-10933, 2012 WL 3639070, at *1 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The Court therefore finds that the parties have waived further review of the Magistrate Judge's Report. Nevertheless, on review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court agrees with the Magistrate Judge's recommended disposition.

The Court, therefore, **ACCEPTS** and **ADOPTS** Magistrate Judge Morris' Report and Recommendation (ECF No. 22). Consequently, defendants' motion for partial summary judgment (ECF No. 17) is **GRANTED**.

IT IS SO ORDERED.

Dated: October 15, 2020

s/Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States District Judge